

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	CC Docket Nos. 96-45 & 97-100
Petitions for Expedited Declaratory Ruling)	
Preempting Arkansas Telecommunications)	
Regulatory Reform Act of 1997 Pursuant to)	
Sections 251, 252, and 253 of the)	
Communications Act of 1934, as amended)	

**COMMENTS OF
ARKANSAS TELECOMMUNICATIONS ASSOCIATION, INC.**

Comes the Arkansas Telecommunications Association, Inc.¹ ("ATA"), by and through its attorney, George Hopkins, and for its comments states as follows:

The ATA has previously filed comments and reply comments in this docket. The request for comments in DA 07-1304 seeks comments on Alltel Communication, Inc.'s ("ALLTEL") letter² concerning eligible telecommunications carriers ("ETCs") designation in rural areas of Arkansas. Alltel's letter specifically addressed Section 5 (d)(1) of Act 77 of 1997 concerning designation of ETCs in rural areas for the purpose of the Arkansas Universal Service Fund (AUSF) and Federal Universal Service Fund (FUSF). Section (d)(1) is codified in Ark. Code Ann. §23-17-405(d)(1)

Alltel entered into discussions with various telecommunications companies in Arkansas about Alltel's concern over the ETC language addressed in their February 21, 2007 letter to

¹ The Arkansas Telecommunications Association, Inc. is an association of incumbent local exchange carriers (ILECs) in Arkansas. The association addresses matters of industry concern and has participated in this docket previously. Windstream, Inc. did not participate in the development or filing of these comments.

CONCLUSION

Based upon the passage of Act 385 of 2007, Alltel has filed for ETC status in rural areas of Arkansas. The ATA respectfully requests that the Commission take no action upon the request for preemption by Alltel and treat Alltel's request for preemption as moot due to the passage of Act 385 of 2007. The Commission should decline to preempt any part of current Arkansas law. The Commission should take no action on Alltel's preemption request.

Respectfully submitted,

ARKANSAS TELECOMMUNICATIONS ASSOCIATION, INC.

By: 

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CERTIFICATE OF SERVICE

I, George Hopkins, hereby certify that a true and correct copy of the above and foregoing Comments were served on this 27 day of March, 2007, to the following individuals:

Mr. David Sieradzki
ALLTEL Communications, Inc.
Hogan & Hartson LLP
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GEORGE HOPKINS

Commission. Due to the discussions and legislative input, language was included in a bill filed in the current legislative session of the Arkansas General Assembly. Senate Bill 780 was introduced in the Arkansas General Assembly on February 28, 2007. The Governor of Arkansas signed Senate Bill 780 into law on March 19, 2007. Senate Bill 780 had an emergency clause and therefore Senate Bill 780, which is now **Act 385 of 2007**, is now the law in Arkansas. Language was included in Act 385 at the request of Alltel to resolve the ETC issue set forth in Alltel's letter to the Commission.

Alltel has now filed for designation as an ETC in various rural telephone companies' study areas. Alltel filed the request for ETC designations with the Arkansas Public Service Commission in docket number 07-028-U, styled *In the Matter of Application of Alltel Communications, Inc. for designation as an eligible telecommunications carrier in certain rural telephone company study areas located entirely in Alltel's licensed areas pursuant to Section 214 (e)(2) of the Commission Act of 1934*. Arkansas law allows carriers such as Alltel to become ETCs in rural study areas. In a March 22, 2007 letter to the Commission, Alltel stated it is no longer seeking the grant of the petitions due to the new law in Arkansas.

Although it is not applicable to Alltel's request for preemption, it should be noted that Act 385 of 2007 also phases out the Arkansas Universal Service Fund and replaces it with the Arkansas High Cost Fund (AHCF). All previous comments and reply comments made by the ATA in this matter are hereby incorporated by reference herein.

² Letter from HOGAN & Hartson dated February 21, 2007, to the Secretary of the Federal Communications Commission.